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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants : Frank Filser et al. Confirmation No.: 1826
Serial No. : 09/623,268
Filed : August 30, 2000
TC/A.U. : 1731
Examiner : J. M. Hoffmann

Docket No. : 00-497
Customer No. : 34704

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF MAILED

FEBRUARY 16, 2007

Dear Sir:

The instant paper is in response to the Notice of Non-Compliant Appeal Brief mailed February 16, 2007. Appellants previously received a Notice of Non-Compliant Appeal Brief dated January 31, 2007 from Mr. Timothy Cole, Patent Appeal Center Specialist. A copy of that notice is attached hereto as Exhibit A.

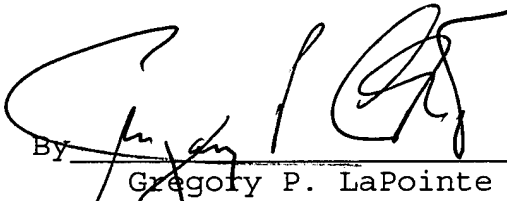
Appellants mailed on February 20, 2007 a response to the Non-Compliant Appeal Brief presenting the previously filed Appeal Brief and making the additions required by Mr. Cole's notice. A copy of this response is attached hereto as Exhibit B.

The instant Notice of Non-Compliant Appeal Brief mailed February 16, 2007 repeats those points raised in Mr. Cole's notice. These points have already been addressed by the previous response. In addition, Mr. Hoffmann has checked box 8 and refers to a letter of Dr. Sigmund. **Appellants are not relying on this letter in this Appeal. It is the Examiner who is relying on this letter. As Appellants are not relying on this letter, there is no obligation to submit the letter with the Appeal Brief.**

As to the requirement made by Mr. Hoffmann of compliance with 37 C.F.R. 1.133, there is nothing in 37 C.F.R. 1.133 which requires Appellants to submit copies of Interview Summary Records in their Appeal Brief. Appellants are not relying on said Interview Summary Records.

In light of the foregoing, it is submitted that Appellants previously filed response in response to Mr. Cole's notice has dealt with all outstanding issues and the Appeal Brief submitted in that response is compliant with all the rules.

Respectfully submitted,
Frank Filser et al.


By _____
Gregory P. LaPointe
Attorney for Applicant
Reg. No. 28,395
Tel: (203) 777-6628
Fax: (203) 865-0297

Date: February 21, 2007

I, Rachel Piscitelli, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
"Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on February 21, 2007.

